IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 40202-M of 2006

DATE OF DECISION : 01.09.2006

Arun Kumar Jain

.... PETITIONER

Versus

State of Haryana and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. R.S. Cheema, Senior Advocate, with
Mr. S.S. Narula, Advocate,
for the petitioner.

Mr. Partap Singh, Senior D.A.G., Haryana.

Mr. V.K. Jindal, Advocate,
for respondent No.2.

* * *

Petitioner Arun Kumar Jain, apprehending his arrest in a non-bailable offence in case FIR No. 453 dated 17.6.2006 under Sections 408, 420, 467, 468, 471 IPC, registered at Police Station Sadar Gurgaon, Haryana, has filed this petition under Section 438 of the Code of Criminal Procedure, for the grant of anticipatory bail.

2. On 20.7.2006**,** while issuing notice of motion, interim anticipatory bail was granted to the petitioner subject to his joining investigation.

3. I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 8.7.2006, passed by Additional Sessions Judge, Gurgaon, whereby bail application of the petitioner has been dismissed.

4. In this case, the aforesaid FIR was registered on the basis of the complaint made by one Nagender Bajaj, authorized representative of SU-Kam Power Systems Limited. As per the FIR, the petitioner was appointed as Director (Finance) in the said Company in September, 2004. It is alleged

that CEO of the Company and other officers used to travel for business purposes, therefore, the petitioner was entrusted with signed blank cheque books and blank signed letter heads of the Company, so that he could use the same for smooth functioning of the Company in their absence. It has been alleged that on 6.1.2006, when the petitioner stopped reporting for work, an enquiry was conducted by CEO. During the enquiry, it was noticed that the petitioner had purchased property in his name by making payment of Rs. 3,69,370/- and Rs. 11,42,284/- from the funds of the Company. It is alleged that the petitioner has mis-used his authority by issuing a cheque of Rs. 36,100/- to HSIDC for booking his personal property. It is further alleged that he had made some irregular payments to some company.

5. Counsel for the petitioner contends that all the aforesaid allegations levelled in the FIR are totally false. He submits that in September, 2004, the petitioner was appointed as Director (Finance) by the complainant Company. The Company, after appreciating the good work done by the petitioner, rewarded him and in this regard, payment of Rs. 15.11 lacs was made by the Company by way of two cheques to M/s Unitech Limited. It is contended that the petitioner was also given 25000 shares of Rs. 10/- each as a reward. Subsequently, due to some differences between the petitioner and the management, the petitioner decided to left his job. At that time, every thing was settled and the petitioner was even paid Rs. 2.00 lacs as compensation for the sudden termination of his service. Counsel for the petitioner contends that thereafter, the aforesaid false FIR has been registered against the petitioner to victimize him because of some suspicion between relations of the petitioner with the wife of the Managing Director. In this regard, counsel has referred to para 8 of the petition where he has re-produced some of the messages sent by the wife of the Director to the petitioner. Counsel for the petitioner further states that in terms of the interim order dated 20.7.2006, passed by this Court, the petitioner has joined investigation and all the relevant documents are already in possession of the Company or the investigating agency. Therefore, arrest of the petitioner is not required. Counsel for the respondent-State has not disputed the fact of joining investigation by the petitioner.

6. In view of the above, without commenting on the merits of the case, and keeping in view the fact that the petitioner has joined investigation and all the relevant documents are already in possession of the Company or the investigating agency, the interim bail granted vide the order dated 20.7.2006, is made absolute subject to the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under section 173 Cr.P.C. except for material change in the circumstances. Thereafter the petitioner shall be entitled to the grant of regular bail by the trial court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

September 01, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**